

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - October 15, 1969

Appeal No. 10192-95 Building Laborers Local No.74, Raymond T. Brown, et al, Richard Fitzmorris and John Fitzmorris, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of October 21, 1969.

EFFECTIVE DATE OF ORDER - Feb. 12, 1970

ORDERED:

That the appeal for permission to erect office building with roof structures in accordance with Section 3308, variance from the setback requirements of stair tower, permission to provide accessory parking on lots 208-210,887-889,802,803,1101 and reduction of not more than 25% required off-street parking spaces at 9th and V Streets and Florida Avenue, NW., lots 921,919,917,915,913,911,909,1028,209,210,802,887-889,1101,803, 208, Square 2875, be conditionally granted.

FINDINGS OF FACT:

1. The subject property is located in a C-M-1 District.
2. The total area of appellant's lots is 13,659, square feet.
3. Appellant proposes to construct a three story office building containing 23,523 square feet of gross floor area with an FAR of 1.72.
4. The proposed penthouse measures 3,524 square feet with an FAR of 0.2 and is to house mechanical equipment.
5. The material and color of the street facade of the building will be off-white with tinted aggregate. The roof structure shall be the same.

6. Appellant requests permission to extend the stair tower above the basic roof in order to provide access to the penthouse structure as well as to augment escape routes, etc.

7. The stair tower is located at the property line and allows a setback of approximately one foot.

8. Appellant additionally requests permission to provide accessory parking and to reduce parking requirements by not more than twenty-five percent in order to meet parking requirements for the proposed building. The number of required spaces is 94. It is proposed to provide 83 spaces within two floors of parking under the building and on accessory lots. Covenants can be provided.

9. This appeal was filed and heard under plan by Anthony N. JOhns, Jr., architect, approved as noted by Arthur P. Davis, architect-member of the Board, on October 20, 1969.

10. No objection to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that appellant has proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that the roof structures of this proposed office building will harmonize with the street frontage of the building in architectural character, material, and color. The roof structures are in harmony with the purpose and intent of the Zoning REgulations and will not tend to affect adversely the use of nearby and adjoining property.

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OPINION Cont'd:

This Order shall be subject to the following conditions:

- [a] A covenant shall be provided for currently proposed accessory parking.
- [b] Whenever lots 211 and 212 are acquired or when any additional building is contemplated, the parking requirements shall be brought into compliance with the Zoning Regulations.

BY ORDER OF THE D.C BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:   
CHARLES E. MORGAN  
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.